

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARVIN STEWART,)	
)	
Plaintiff,)	
)	CASE NO.:
v.)	
)	CV-04-RRA-0328-S
STATE OF ALABAMA, et al.,)	
)	
Defendants.)	

Memorandum of Opinion

This case comes before the Court on the Motions to Dismiss of the Defendants. (Docs. 5 and 7). The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation (doc. 12) is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the Motions to Dismiss (docs. 5 and 9) are due to be **GRANTED**, and the Plaintiff's claims are due to be **DISMISSED**. An appropriate order will be entered.

DONE this 9th day of January, 2006.



SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE